

**JUDGE CHIN**

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

SAMSUNG ELECTRONICS AMERICA, INC.

V.

**SUMMONS IN A CIVIL ACTION**

BRODY ENTERPRISES and EFRAIM BRODY

CASE NUMBER:

08 CIV 7200-1

TO: (Name and address of Defendant)

Brody Enterprises  
760 Montgomery Street, Unit 6F  
Brooklyn, NY 11213Efraim Brody  
760 Montgomery Street, Unit 6F  
Brooklyn, NY 11213**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)Alfred R. Fabricant, Esq.  
Peter Lambrianakos, Esq.  
DICKSTEIN SHAPIRO LLP  
1177 Avenue of the Americas  
New York, NY 10036

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

AUG 13 2008

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

DATE

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
SAMSUNG ELECTRONICS AMERICA, INC.

Index No. 08 CIV 7200

against  
BRODY ENTERPRISES AND EFRAIM BRODY,

Plaintiff(s)

Defendant(s)

AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)  
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at NORTH BRUNSWICK, NEW JERSEY  
That on 8/13/08 at 5:15 PM., at 760 MONTGOMERY STREET, BROOKLYN, NEW YORK #6F  
deponent served the within summons, *and complaint on* BRODY ENTERPRISES defendant therein named,  
SEE ATTACHED RIDER

- INDIVIDUAL 1.  by delivering a true copy of *each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.
- CORPORATION 2.  a DOMESTIC corporation, by delivering thereat a true copy of *each* to EFRAIM BRODY personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.
- SUITABLE AGE PERSON 3.  by delivering thereat a true copy of *each* to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.
- AFFIXING TO DOOR, ETC. 4.  by affixing a true copy of *each* to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 5A.  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

MAILING TO BUSINESS USE WITH 3 OR 4 5B.  said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

DESCRIPTION USE WITH 1, 2, OR 3 5C.  in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

- |  |                                     |  |                                      |  |                                       |  |
|--|-------------------------------------|--|--------------------------------------|--|---------------------------------------|--|
| <input checked="" type="checkbox"/> Male | <input type="checkbox"/> White Skin | <input type="checkbox"/> Black Hair            | <input type="checkbox"/> White Hair  | <input type="checkbox"/> 14-20 Yrs.            | <input type="checkbox"/> Under 5'     | <input type="checkbox"/> Under 100 Lbs.          |
| <input type="checkbox"/> Female          | <input type="checkbox"/> Black Skin | <input checked="" type="checkbox"/> Brown Hair | <input type="checkbox"/> Balding     | <input checked="" type="checkbox"/> 21-35 Yrs. | <input type="checkbox"/> 5'0"-5'3"    | <input type="checkbox"/> 100-130 Lbs.            |
|  |                                     | <input type="checkbox"/> Yellow Skin           | <input type="checkbox"/> Blonde Hair | <input checked="" type="checkbox"/> Mustache   | <input type="checkbox"/> 36-50 Yrs.   | <input type="checkbox"/> 5'4"-5'8"               |
|  |                                     | <input type="checkbox"/> Brown Skin            | <input type="checkbox"/> Gray Hair   | <input checked="" type="checkbox"/> Beard      | <input type="checkbox"/> 51-65 Yrs.   | <input type="checkbox"/> 131-160 Lbs.            |
|  |                                     | <input type="checkbox"/> Red Skin              | <input type="checkbox"/> Red Hair    | <input checked="" type="checkbox"/> Glasses    | <input type="checkbox"/> Over 65 Yrs. | <input checked="" type="checkbox"/> 161-200 Lbs. |
|  |                                     |  |                                      |  | <input type="checkbox"/> Over 6'      | <input type="checkbox"/> Over 200 Lbs.           |

Other identifying features:

USE IN  
NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore *ordinary civilian clothes and no military uniform*. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
8/14/08

JOHN DICANIO  
Notary Public, State of New York  
No. 01D14977768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2011

PRINT NAME BEINGNE SIGNATURE

ADRIANO GINES

License No..... 845419 .....

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X CASE NO. 08 CIV 7200  
SAMSUNG ELECTRONICS AMERICA, INC.,

Plaintiff

against

RIDER TO  
AFFIDAVIT  
OF SERVICE

BRODY ENTERPRISES and EFRAIM BRODY,

Defendants

-----X

List of Documents Served:

- Summons in a Civil Action;
- Complaint;
- Samsung Electronics America, Inc.'s Rule 7.1 Disclosure Statement;
- Individual Practices of Judge Denny Chin;
- Electronic Case Filing Rules;
- Individual Practices of Magistrate Judge Andrew J. Peck;
- Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue;
- Declaration of Jeremy Texeira in Support of Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue;
- Memorandum of Law of Plaintiff, Samsung Electronics America, Inc., in Support of its Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue;
- Declaration of Michael H. McQuade in Support of Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue; and
- Declaration of Michael Jaczewski in support of Plaintiff's Application for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue.